

**2003 DRAFTING REQUEST****Bill**Received: **07/11/2003**Received By: **rkite**Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**By/Representing: **Tim**This file may be shown to any legislator: **NO**Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Friske@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Require DNR to relinquish an easement in Lincoln County

---

**Instructions:**


See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	rkite 09/05/2003	jdye 09/08/2003	rschluet 09/08/2003		sbasford 09/08/2003	lemery 09/23/2003	

FE Sent For:

 **At Intro.**

**2003 DRAFTING REQUEST**

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/?	rkite	1 9/8 jld					
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FE Sent For:

&lt;END&gt;

7-11-03

Trm in Frieske's office

Lincoln County

Town Bd granted an easement to DNR  
wants ~~Ward~~ to compel DNR to  
relinquish easement

Town Bd. condemned certain property &  
then granted easement to DNR  
wants DNR to relinquish the easement

Trm to send over description of the easement

367116

Document Number

VOL. 614 PG. 394

Document Title

Easement (Roads, Trails, and Access Ways)

LINCOLN COUNTY, WIS

Received for Record the

day of June A.D. 18 98

at 8:20 o'clock A. M. and Presented in

Vol. 614 of RECORDS on page 394

John Callahan  
REGISTER OF DEEDS

Recording Area

Karl Hansen - LF/4  
Department of Natural Resources  
Box 792  
Madison, WI 53707

*Res.*  
H. K. 2<sup>nd</sup> Ed. Oleg A. Henn  
N 27 35 Co. R 4 E  
Merrill, Wis.

Parcel No.

State of Wisconsin  
Department of Natural Resources  
Box 7921  
Madison, Wisconsin 53707

EASEMENT (Trails, Roads, Access Ways)  
Section 23.09(10), Wis. Stats.  
Form 2200-22

Rev. 1-95

This easement made this 28th day of May, 19 98, by and between  
the Town of Harding in Lincoln County, Wisconsin ~~XXXX~~

Grantor; and the State of Wisconsin Department of Natural Resources, Grantee. ~~XXXXXX~~

For and in consideration of the sum of \_\_\_\_\_

(\$1.00) dollars and the mutual covenants and conditions hereinafter set forth, the Grantor does  
hereby convey to the Grantee, upon acceptance by the Grantee, within One months from the date

hereof, an easement to construct, operate and maintain a public Highway  
on, over and across the following described real estate:

That part of the NE 1/4 of the NE 1/4, Section 36, Township 32 North, Range 5 East described as  
follows:

Commencing at the Northeast corner of the NE 1/4 of the NE 1/4, Section 36, Township 32 North,  
Range 5 East; thence westerly along the north line of the said NE 1/4 of the NE 1/4, fifty (50) feet;  
thence south two hundred twenty-one (221) feet more or less to the southerly right-of-way line of  
West Alexander Lake Road extended; thence south 49°05'44" East eighteen (18) feet more or less to  
an iron pipe; thence south 62°22'20" East thirty-six (36) feet more or less along the southerly  
right-of-way line of Alexander Lake Road extended to the easterly line of the said NE 1/4 of the  
NE 1/4; thence north along the easterly line of the said NE 1/4 of the NE 1/4 two hundred forty-three  
(243) feet more or less to the place of beginning.

The location of the easement is shown on Exhibit "A", attached hereto, and made a part hereof.

The Grantee shall dispose of all stumps, slash and other debris resulting from the clearing of the above-described  
property.

The Grantee shall cut in standard lengths and pile all trees having a commercial value, including firewood, for  
disposal by the Grantor.

The Grantee shall have the right to post signs and posters along the subject property in order to delineate and  
locate these lands for public use, and

The Grantee may make such improvements and installations as are necessary, convenient and incidental to the full  
enjoyment and use of the rights and privileges granted by this easement.

The Grantor releases the Grantee from any claims of damage which may arise as a result of floods on the above-  
described property.

The Grantor shall not lease or convey any other easement in any way affecting the subject property without  
securing the prior written permission of the Grantee.

The terms Grantor and Grantee when used herein shall mean either singular or plural, masculine or feminine, as  
the case may be, and the provisions of the easement shall bind the parties mutually, their heirs, successors,  
personal representatives and assigns in perpetuity.

## TOWN BOARD, TOWN OF HARDING

By:

LaVerne Henrichs, Town Chairman

By:

Janice Fredrickson, Town Clerk

STATE OF WISCONSIN )

Lincoln )ss.  
County )

Personally appeared before me this 28<sup>th</sup> day of May, 1998, the above named LaVerne Henrichs and Janice Fredrickson to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Richard Miller  
Notary Public, State of WisconsinMy commission (expires) (is) permanantAccepted this 29<sup>th</sup> day of May, 19 98

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

George E. Meyer  
George E. Meyer, Secretary

STATE OF WISCONSIN )

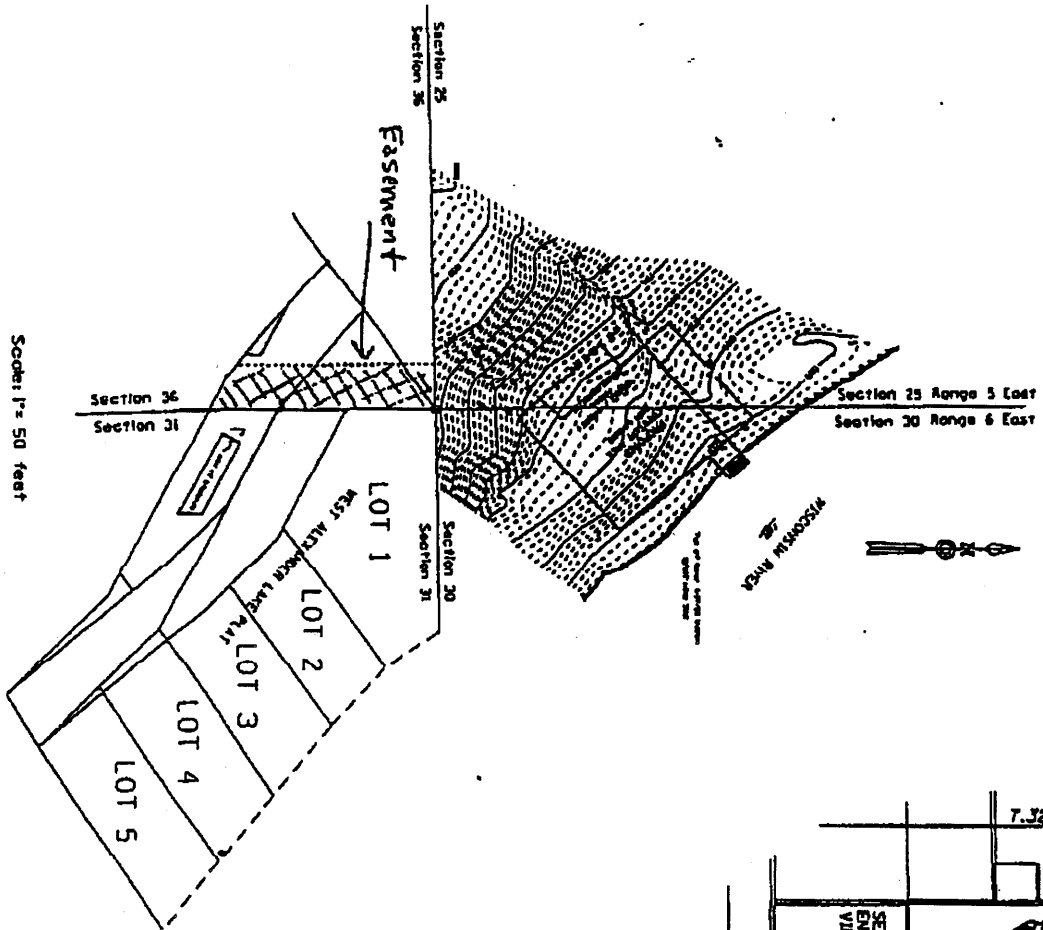
Dane )ss.  
County )

Personally appeared before me this 29<sup>th</sup> day of May, 1998, the above named George E. Meyer to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Timothy A. Andrus  
Notary Public, State of WisconsinMy commission (expires) (is) permanant

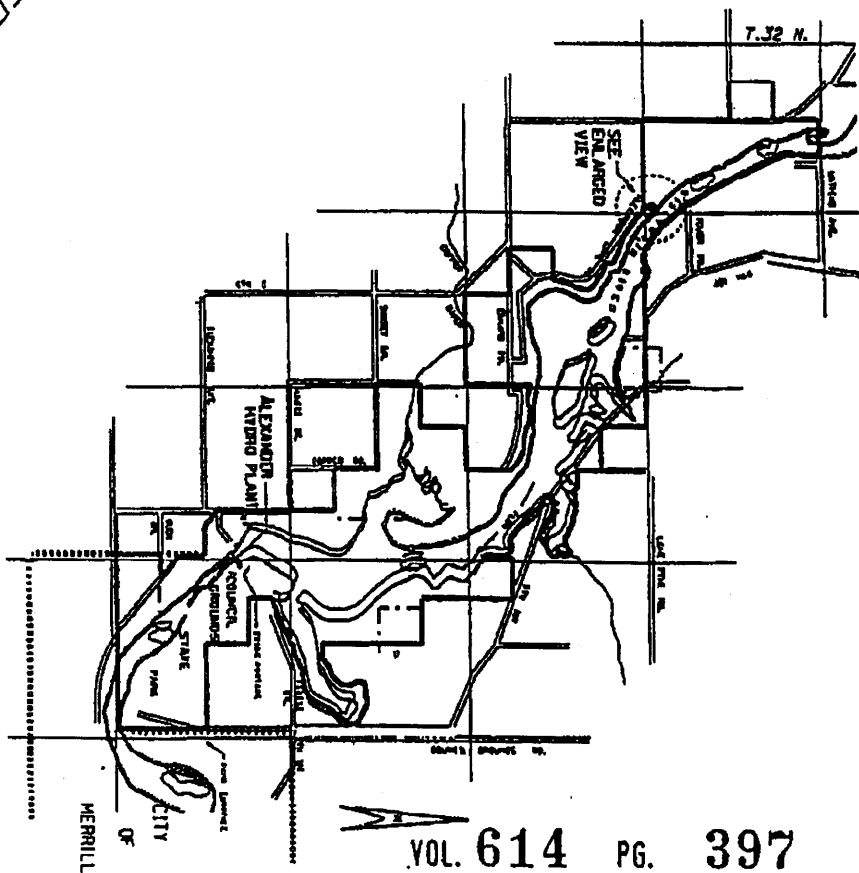
This instrument drafted by the  
State of Wisconsin  
Department of Natural Resources

# EXHIBIT "A"



GENERAL NOTES:  
1. All portions to be shown on map.  
2. All portions of land shown on map are shown by.  
3. The map shows the location of the easement.  
4. The map shows the location of the river.

VICINITY LOCATION  
BOAT LANDING  
SEE ENLARGED VIEW





*Craig J. Nienow*  
*Attorney & Counselor at Law*  
*1105 East Main Street*  
*Merrill, WI 54452*  
*715-536-7185*  
*Fax 715-536-7186*

DATE: June 27, 2003  
TO: Assemblyman Donald Friske  
ATTN: Tim Gary  
FROM: Attorney Craig J. Nienow  
RE: Reinhardt Lands, Inc. - Town of Harding

Dear Mr. Gary:

I represent Reinhardt Lands, Inc. regarding the above referenced matter. I'm faxing a packet of information regarding the taking of their land by the Town of Harding and the DNR easement. My client would like their land returned and the DNR easement quashed. The Zulligers are also desirous of the same result and will be contacting your office. Please note that the description presently only covers the Reinhardt parcel but could easily be amended to include the Zulliger parcel. I will be mailing the packet to your office which is color-coded. If you have any questions, please call. Your assistance is greatly appreciated.

Sincerely,



Craig J. Nienow

CJN:jah

NUMBER OF PAGES SENT: 12 (including this page)

Please call if you did not receive the entire transmission. This communication is a confidential communication and privileged under Wisconsin law; therefore, if you have received this transmission in error, please call 715/536-7185.

That part of the Northeast Quarter of the Northeast Quarter (NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) Section Thirty-six (36), Township Thirty-two (32) North, Range Five (5) East, Town of Harding, Lincoln County, Wisconsin, described as follows:

Commencing at the Northeast corner of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 36, Township 32 North, Range 5 East; thence westerly along the north line of the said NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , fifty (50) feet; thence south two hundred twenty-one (221) feet more or less to the southerly right-of-way line of West Alexander Lake Road extended; thence south  $49^{\circ}05'44''$  East eighteen (18) feet more or less to an iron pipe; thence south  $62^{\circ}22'20''$  East thirty-six (36) feet more or less along the southerly right-of-way line of Alexander Lake Road extended to the easterly line of the said NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; thence north along the easterly line of the said NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  two hundred forty-three (243) feet more or less to the PLACE OF BEGINNING. EXCEPTING the easterly fifty (50) of the following described parcel: That part of the Northeast Quarter of the Northeast Quarter (NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ), Section Thirty-six (36), Township Thirty-two (32) North, Range Five (5) East, described as follows:

Beginning at the NE corner of said Section 36, thence S  $54^{\circ}51'$  W, 134.98 feet to an iron stake; thence S  $49^{\circ}05'44''$  E, 145.73 feet to an iron stake; thence N  $0^{\circ}30'$  W, 174.98 feet along the east line of Section 36 to the NE corner thereof and the PLACE OF BEGINNING. FURTHER EXCEPTING that part of West Alexander Lake Road.

(THIS DESCRIPTION COVERS  
ONLY THE REINHARDT TRIANGULAR  
PORTION OUTLINED IN ORANGE ON  
THE NEXT PAGE).

08.363205.001.001  
Balance of NEK NEK4

NORTH  
T 32

08.363205.001.002

WEST

ALEXANDER

08.363205.001.003

VZ69 PH16

- DNR

— Bulliger

— Reinhardt

5

2.50'

VZ79 PH12

367116  
Document Number

VOL. 614 PG. 394  
Document Title

Easement (Roads, Trails, and Access Ways)

LINCOLN COUNTY, WIS

Received for Record the

8:20 P.M. June 19 97

Vol. 614 of RECORDS on page 394

REGISTRAR OF DEEDS

Recording Area

Karl Hansen - LF/4  
Department of Natural Resources  
Box 792  
Madison, WI 53707

Parcel No.

State of Wisconsin  
Department of Natural Resources  
Box 7921  
Madison, Wisconsin 53707

EASEMENT (Trails, Roads, Access Ways)  
Section 23.09(10), Wis. Stats.  
Form 2200-22 Rev. 1-95

This easement made this 28th day of May, 19 98, by and between  
the Town of Harding in Lincoln County, Wisconsin ~~INC~~  
~~XXXXXX~~  
Grantor; and the State of Wisconsin Department of Natural Resources, Grantee.

For and in consideration of the sum of \_\_\_\_\_  
(\$1.00) dollars and the mutual covenants and conditions hereinafter set forth, the Grantor does  
hereby convey to the Grantee, upon acceptance by the Grantee, within One months from the date  
hereof, an easement to construct, operate and maintain a public Highway  
on, over and across the following described real estate:

That part of the NE 1/4 of the NE 1/4, Section 36, Township 32 North, Range 5 East described as  
follows:

Commencing at the Northeast corner of the NE 1/4 of the NE 1/4, Section 36, Township 32 North,  
Range 5 East; thence westerly along the north line of the said NE 1/4 of the NE 1/4, fifty (50) feet;  
thence south two hundred twenty-one (221) feet more or less to the southerly right-of-way line of  
West Alexander Lake Road extended; thence south 49°05'44" East eighteen (18) feet more or less to  
an iron pipe; thence south 62°22'20" East thirty-six (36) feet more or less along the southerly  
right-of-way line of Alexander Lake Road extended to the easterly line of the said NE 1/4 of the  
NE 1/4; thence north along the easterly line of the said NE 1/4 of the NE 1/4 two hundred forty-three  
(243) feet more or less to the place of beginning.

The location of the easement is shown on Exhibit "A", attached hereto, and made a part hereof.

The Grantee shall dispose of all stumps, slash and other debris resulting from the clearing of the above-described  
property.

The Grantee shall cut in standard lengths and pile all trees having a commercial value, including firewood, for  
disposal by the Grantor.

The Grantee shall have the right to post signs and posters along the subject property in order to delineate and  
locate these lands for public use, and

The Grantee may make such improvements and installations as are necessary, convenient and incidental to the full  
enjoyment and use of the rights and privileges granted by this easement.

The Grantor releases the Grantee from any claims of damage which may arise as a result of floods on the above-  
described property.

The Grantor shall not lease or convey any other easement in any way affecting the subject property without  
securing the prior written permission of the Grantee.

The terms Grantor and Grantee when used herein shall mean either singular or plural, masculine or feminine, as  
the case may be, and the provisions of the easement shall bind the parties mutually, their heirs, successors,  
personal representatives and assigns in perpetuity.

TOWN BOARD, TOWN OF HARDING

By: LaVerne Henriks  
LaVerne Henriks, Town Chairman

By: Janice Fredrickson  
Janice Fredrickson, Town Clerk

STATE OF WISCONSIN )  
 )ss.  
Lincoln County )

Personally appeared before me this 28<sup>th</sup> day of May, 1998, the above named  
LaVerne Henriks and Janice Fredrickson to me known to be the person(s) who executed the  
foregoing instrument and acknowledged the same.

Richard Weber  
Notary Public, State of Wisconsin  
My commission (expires) (is) permanent

Accepted this 29<sup>th</sup> day of May, 19 98.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

George E. Meyer  
George E. Meyer, Secretary

STATE OF WISCONSIN )  
 )ss.  
Dane County )

Personally appeared before me this 29<sup>th</sup> day of May, 1998, the above  
named George E. Meyer to me known to be the person(s) who executed the foregoing instrument  
and acknowledged the same.

Timothy A. Andrus  
Notary Public, State of Wisconsin  
My commission (expires) (is) permanent

This instrument drafted by the  
State of Wisconsin  
Department of Natural Resources

[illegible]

365305

ORDER FOR THE LAYING OUT OF A  
HIGHWAY AND AWARD OF DAMAGES

Document Number

Document Title

LINCOLN COUNTY, WIS

Received for Record the 1st  
day of April A.D. 19 98  
at 12:20 o'clock P. M. and Recorded in  
Vol. 609 of RECORDS on page 503  
*John Callahan*  
REGISTER OF DEEDS

Recording Area

Name and Return Address \$ 16952  
Janice Fredrickson  
N 2805 CTY Rd. E  
Merrill, WI 54452

Parcel Identification Number (PIN)

**THIS PAGE IS PART OF THIS LEGAL DOCUMENT - DO NOT REMOVE**

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, §9.517 WRDA 2/04



CERTIFICATION

STATE OF WISCONSIN)  
                                  ) ss  
COUNTY OF LINCOLN )

Janice Fredrickson, Town Clerk, Town of Harding, Lincoln County, Wisconsin, hereby certifies that the attached ORDER FOR THE LAYING OUT OF A HIGHWAY AND AWARD OF DAMAGES was adopted by the unanimous vote of the Town Board on the 17th day of March, 1998, a true and correct copy of said Order being attached hereto. The original of said Order is on file in the office of the undersigned.

Dated this 30<sup>th</sup> day of March, 1998.

Janice Fredrickson  
Janice Fredrickson

Subscribed and sworn to before me  
this 30<sup>th</sup> day of March, 1998.

Richard Miller  
Notary Public,  
Lincoln County, Wisconsin.

My Commission expires: 15 permanent

STATE OF WISCONSIN

TOWN OF HARDING

LINCOLN COUNTY

IN THE MATTER OF PROCEEDINGS TO  
LAY OUT A HIGHWAY IN THE TOWN  
OF HARDING, LINCOLN COUNTY, WISCONSIN.

ORDER FOR THE LAYING OUT OF A HIGHWAY  
AND AWARD OF DAMAGES

WHEREAS, an application has been made pursuant to sec. 80.02, Wis. Stats., to the supervisors of the Town of Harding in Lincoln County, Wisconsin, for the laying out of a highway over the following described premises in said Town, to wit:

That part of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 36, Township 32 North, Range 5 East described as follows:

Commencing at the Northeast corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 36, Township 32 North, Range 5 East; thence westerly along the north line of the said NE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , fifty (50) feet; thence south two hundred twenty-one (221) feet more or less to the southerly right-of-way line of West Alexander Lake Road extended; thence south 49°05'44" East eighteen (18) feet more or less to an iron pipe; thence south 62°22'20" East thirty-six (36) feet more or less along the southerly right-of-way line of Alexander Lake Road extended to the easterly line of the said NE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence north along the easterly line of the said NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  two hundred forty-three (243) feet more or less to the place of beginning.

WHEREAS, a hearing pursuant to said application was held on the 17th day of March, 1998 and adjourned to March 26, 1998, and again adjourned to March 30, 1998 before the supervisors of the Town of Harding in accordance with the requirements of sec. 80.06, Wis. Stats., and after the requisite notices had been given as required by sec. 80.05, Wis. Stats; and

WHEREAS the said supervisors of the Town having decided to lay out the said highway as described in said application and to award damages to the owner of the land over which the highway is to be laid out. Therefore,

IT IS HEREWITH ORDERED as follows:

1. A highway shall be laid out over and across the premises described above.

2. The sum of \$ 1000.<sup>00</sup> shall be and hereby is awarded to REINHARDT LANDS, INC. the owner of the premises over which the said highway is to be laid out. It is determined that the sums herein awarded represent fair and reasonable compensation and damages to the said landowner for the property herein being acquired for highway purposes.

3. This Order and Award of Damages shall be filed in the office of the Town Clerk Janice Fredrickson forthwith, and in no event later than ten days from the date hereof.

4. The Town Clerk is hereby directed to transmit a certified copy of this Order to the Lincoln County Highway Commissioner pursuant to sec. 80.07(2), Stats.

Dated this 30th day of March, 1998.

TOWN BOARD, TOWN OF HARDING

By: *LaVerne Henrichs*  
LaVerne Henrichs, Chairman

*David Ament*  
David Ament, Supervisor

*Paul Gilk*  
Paul Gilk, Supervisor

THIS INSTRUMENT DRAFTED BY:  
Richard J. Weber, Esq.  
530 Jackson Street  
Wausau, WI 54403



5000  
State of Wisconsin  
2003 - 2004 LEGISLATURE

Rmk 1  
LRB-2973/3  
RNK:.....  
jld

D-Note

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

- 1 AN ACT ...; relating to: the reconveyance of an easement by the department of  
2 natural resources to the town<sup>✓</sup> of Harding.

*Analysis by the Legislative Reference Bureau*

This bill requires the department of natural resources (DNR) to reconvey to the town of Harding an easement that was previously conveyed by the town of Harding to DNR. \*

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 3 SECTION 1. Nonstatutory provisions.
- 4 (1) No later than the first day of the <sup>2nd</sup> ~~second~~ month beginning after the effective  
5 date of this subsection <sup>reviser inserts date</sup> the department of natural resources,  
6 on behalf of this state, shall reconvey to the town of Harding the easement that was  
7 previously<sup>✓</sup> conveyed by the town of Harding to the<sup>✓</sup> department of natural resources  
8 on behalf of this state and recorded on June 1, 1998, as document number 367116 in

(1) volume 614, page 394, of the record book in the office of the register of deeds of Lincoln  
2 County. ✓

3

(END)

d-note  
↓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2973/~~7~~dn

RNK:.....  
JL

Please note that ~~this~~ <sup>this</sup> draft requires DNR to reconvey the subject easement to the town of Harding no later than the first day of the second month beginning after the effective date of the proposal. This ensures that the conveyance will take place after the effective date of the proposal but within a relatively short time. Is this consistent with your intent?

Please feel free to contact me if you have any questions regarding this draft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2973/1dn  
RNK:jld:rs

September 8, 2003

Please note that this draft requires DNR to reconvey the subject easement to the town of Harding no later than the first day of the second month beginning after the effective date of the proposal. This ensures that the conveyance will take place after the effective date of the proposal but within a relatively short time. Is this consistent with your intent?

Please feel free to contact me if you have any questions regarding this draft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

**Emery, Lynn**

---

**From:** Gary, Tim  
**Sent:** Tuesday, September 23, 2003 3:29 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2973/1 Topic: Require DNR to relinquish an easement in Lincoln County

It has been requested by <Gary, Tim> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2973/1 Topic: Require DNR to relinquish an easement in Lincoln County